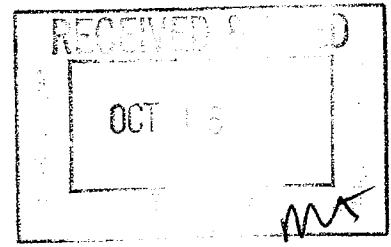


*Planning*



**BOARD OF APPEALS**



DECISION # 08-05

**DECISION ON THE PETITION BY SYTSKE & CHRIS CAMPBELL, 249 PARKER STREET**

A public hearing of the Acton Board of Appeals was held in the Town Hall on Monday, September 8, 2008 at 7:30 p.m. on the petition by Sytske and Chris Campbell for a SPECIAL PERMIT under Section 8.3.3 of the Zoning Bylaw to allow an addition to be built within the 45 foot front yard setback. The proposed addition would increase the existing non-conformity located at 249 Parker Street, Map J3/Parcel 8.

Present at the hearing was Cara Voutselas, Chairwoman; Ken Kozik, Member; Marilyn Peterson, Member; Cheryl Frazier, Board of Appeals Secretary; Scott A. Mutch and Kristin Alexander, Assistant Planners. Also present was the petitioner Chris Campbell.

Cara Voutselas opened the hearing and read the contents of the file which included an inter-office memo from Scott Mutch, Assistant Town Planner. Cara asked the petitioner to begin.

Chris Campbell said that the Zoning Bylaw requires a 45 foot front yard setback on their property. The current structure is prior non-conforming with a setback of only 33 feet. The proposed addition would be set back 36 feet. Campbell explained that a Special Permit was granted to prior owners in 1999 for an addition which was never built. The addition the Campbells are proposing is smaller than the one approved in 1999 and would extend horizontally within the already non-conforming front yard setback.

Input from Scott Mutch, Assistant Town Planner, indicated that the proposed addition, as currently submitted, does not appear to be any more substantially detrimental to the surrounding neighborhood than the currently existing non-conforming structure.

Ms. Voutselas closed the hearing.

The Board of Appeals, after considering the materials submitted with the petition, together with the information developed at the public hearing, finds that:

1. The proposed use is consistent with the Master Plan, is in harmony with the purpose and intent of the Zoning Bylaw, will not be detrimental or injurious to the

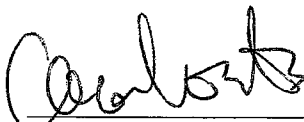
neighborhood, is appropriate for the site in question and complies with all applicable requirements of the Bylaw.

2. The existing building has a nonconforming 33 foot setback. The proposed addition will extend horizontally within the existing nonconformity. The extension is not substantially more detrimental to the neighborhood than the existing nonconforming condition of the building.


Therefore, the Board of Appeals, after reviewing the available materials and based upon the above findings, voted to GRANT the SPECIAL PERMIT with the condition that the exterior, including siding and shingles, match the existing building in color and materials used.

Any person aggrieved by this decision may appeal pursuant to the Massachusetts General Laws, Chapter 40A, Section 17, within twenty (20) days after this decision is filed with the Acton Town Clerk.

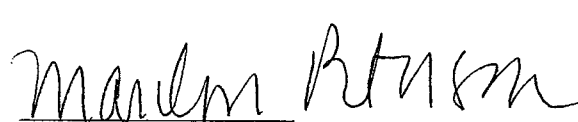
#### TOWN OF ACTION BOARD OF APPEALS



Cara Voutsoulas  
Chairperson




Kenneth Kozik  
Member



Marilyn Peterson  
Member

I certify that copies of the decision have been filed with the Acton Town Clerk and Planning Board on October 16, 2008

  
Cheryl Frazier, Secretary  
Board of Appeals

EFFECTIVE DATE OF SPECIAL PERMIT: No permit or modification, extension or renewal thereof, shall take effect until a copy of the decision has been recorded in the Middlesex County South District Registry of Deeds. Such decision shall bear the certification of the Town Clerk that 20 days have elapsed after the decision has been filed in the Office of the Town Clerk and no appeal has been filed, or that if such an appeal has been filed, it has been dismissed or denied.

This Special Permit must be exercised within 2 years of its effective date.